

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DANIEL POOLE,)	
Plaintiff,)	
)	Case No. 07 C 6355
v.)	
)	JURY DEMAND
)	
VILLAGE OF BURBANK, <i>et al.</i>)	
Defendants.)	

PLAINTIFF’S UNOPPOSED MOTION FOR LEAVE TO AMEND

Plaintiff Daniel Poole (Plaintiff), by and through his attorneys, KULWIN, MASCIOPINTO & KULWIN, LLP, respectfully moves this Court to grant him leave to amend his complaint.

1. Plaintiff initially filed the complaint in this matter against, among others, the Village of Burbank. After Plaintiff filed the complaint, he was involved in a serious car accident which left him permanently disabled. On or about April 30, 2008, the Circuit Court of Cook County entered an order appointing James Simpson as plaintiff’s plenary guardian. A copy of the April 30th order is attached as Ex. A. Additionally, Plaintiff subsequently learned that the correct name for the defendant municipality is the “City” of Burbank.

2. Plaintiff now respectfully requests leave to amend his pleadings solely to change the caption and other references within the complaint to reflect that Mr. Simpson is plaintiff’s plenary guardian authorized to act on his behalf and that the correct name for the defendant municipality is the City of Burbank. A copy of Plaintiff’s Amended Complaint is attached hereto as Exhibit B. Plaintiff’s counsel has conferred with Defendants’ counsel and Defendants’ counsel has no objection to this motion.

3. Pursuant to Federal Rule of Civil Procedure 15, a Court may grant plaintiffs leave to amend their pleadings and such leave shall be freely given where justice requires. *See* Fed. R. Civ. P. 15(a); *Barry Aviation Inc. v. Land O'Lakes Municipal Airport Comm'n*, 377 F.3d 682 (7th Cir. 2004); *Tragarz v. Keene Corp.*, 980 F.2d 411 (7th Cir. 1992). The goal of the federal rules is to resolve disputes on their merits and thus leave to amend should be allowed absent undue delay, bad faith, dilatory motive, undue prejudice, repeated failure to cure deficiencies by amendment previously allowed, or futility of the amendment. *Id.*

4. Here, Plaintiff's proposed amended complaint will expedite these proceedings and Defendants will not be prejudiced in any way by this Court granting Plaintiff leave to file an amended complaint. Additionally, there is no undue delay, bad faith or dilatory motive on the part of Plaintiff nor repeated failure to cure deficiencies by amendments previously allowed nor undue prejudice to Defendants by virtue of allowance of the amendment to warrant denial of Plaintiff's request to amend his pleading.

5. Accordingly, and for all of these reasons, Plaintiff respectfully requests that the Court grant this motion.

WHEREFORE, Plaintiff, Daniel Poole respectfully requests that this Court grant this motion for leave to amend his complaint.

Respectfully submitted,

/s/ Jeffrey R. Kulwin

Shelly B. Kulwin
Jeffrey R. Kulwin
KULWIN, MASCIOPINTO & KULWIN, L.L.P.
161 N. Clark St., Suite 2500
Chicago, IL 60601
(312) 641-0300